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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/006,664

12/10/2001

Philippe Rouault

S 5549

2217

466

7590

07/16/2003

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EXAMINER

SHAW, CLIFFORD C

ART UNIT

PAPER NUMBER

1725

DATE MAILED: 07/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/006,664

Applicant(s)

ROUAULT, PHILIPPE

Examiner

Clifford C Shaw

Art Unit

1725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 29 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1,4-7 and 9-14 is/are allowed.
- 6) ☐ Claim(s) 2,3,8 and 15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**Detailed Action**

1.) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2.) Claims 2, 3, 8, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manicke et al. (2002/0107825). The pre-grant publication to Manicke et al. discloses a method and system for determining welding parameters for a particular operation wherein the type of heat treatment process to be implemented is selected from the list of documents shown at element 22 in figure 2, a second indication as to treatment parameters is made at element 50 in figure 2, and a proposal of information related to the user provided information is made at element 52 of figure 2 or element 3 of figure 3. The claims differ from the Manicke et al. document in calling for the use of a database. This difference does not distinguish over the prior art. Although the Manicke et al. document does not explicitly use the term "database", it is considered obvious that the computer stored information in the Manicke et al. system constitutes a database, because broadly viewed, a database can be considered to be any system that provides structured access to stored information.

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3.) Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

4.) Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over the printout of the Lincoln Electric Web Page. The printout of the Lincoln Electric Web Page discloses portions of the world wide web home page of the Lincoln Electric Company from June of 2000. This page includes a hyper link to a "Frequently Asked Questions" article concerning TIG welding of chrome-moly tubing (see the text under the "Welding for Sport" section). This page therefore constitutes a welding information processing system for supplementing a human welding operator's experience with features claimed including the link activation means (i.e., the html jump necessarily associated with the above mentioned FAQ jump), the information storage necessarily associated with the computers that store the Lincoln electric html documents, and the means for displaying associated with the web browser which would be required to view the Lincoln electric pages. The claims differ from the printout of the Lincoln Electric Web Page in calling for a database and in calling for an executable run on a processor to search the requested welding information. These differences do not patentably distinguish over the prior art. It is considered obvious that the store of html documents necessarily associated with the printout of the Lincoln Electric Web Page constitutes a "database" using the same reasoning as set forth in the rejection above. It is considered obvious that the Lincoln Electric Web Page is served by a web server since this is the most common way of making html pages available. This web server would necessarily include the processor and executable as claimed.

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5.) Claims 1, 4-7 and 9-14 are allowable over the prior art of record. None of the prior art of record teaches or suggests a welding assistance method or system as set forth in independent claims 1 and 11 wherein the specific information request or query as set forth in the claims is used. Specifically, there is no teaching of a compound query as set forth in the claims which includes the component related to a technical problem to be solved.

6.) Applicant's remarks in the amendment filed on 5/29/2003 have been careful consideration, but are not persuasive of patentability in view of the new grounds of rejection set forth above.

Any inquiry concerning this communication should be directed to Clifford C Shaw at telephone number 703-308-1712. The examiner can normally be reached on Monday through Friday of the first week of the pay period and on Tuesday through Friday of the second week of the pay period.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Thomas G. Dunn, can be reached at 703-308-3318. The fax phone numbers for

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the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



Clifford C Shaw  
Primary Examiner  
Art Unit 1725

July 11, 2003